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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,065	06/29/2000	Jussi Ruutu	975.306USW1	7291

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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 05/01/2003

24

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/607,065

Applicant(s)

RUUTU ET AL.

Examiner

Brian D Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 4/8/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: proposed drawing correction.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings

2. The corrected or substitute drawing was received on 4/8/03. This drawing is figure 5..

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Roach Jr. (5,845,211).

Regarding claims 1, 2, and 4, Timbs discloses a broadband cellular network device comprising a base station control unit (220) for controlling the distribution of ATM cells, an ATM controller (250, 252), separate from the BSC, connected to and being controlled by the BSC, and an ATM switch (251) connected to and being controlled by the ATM controller and adapted to switch ATM cellular traffic, wherein the ATM controller being arranged to function between the base station control unit and the ATM switch. The ATM controller functions include controlling switching action, connecting, and disconnecting traffic channels. Wherein the base

Art Unit: 2661

station control unit provide either a software, hardware, or mixed of hardware/software implementation of BSC function and comprises an ATM controller instructions adapted to instruct the ATM controller (see abstract; Figures 1A, 9A & 9C; col. 1, lines 10-14; col. 3, lines 22-27; col. 4, lines 54-56; col. 6, lines 37-48 & 60-66; col. 8, lines 59-61; col. 9, lines 7-10; col. 13, lines 39-43; and col. 19, lines 64-67). Timbs further discloses converting format of a first protocol issued by the BSC into format of a second communication protocol (see col. 7, lines 62-67) but does not specifically discloses converting commands of a first protocol into commands of a second protocol. However, Roach discloses an interface that converting commands (control messages) of a first protocol to a second protocol (see col. 13, lines 1-5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to convert the commands between different protocols as taught by Roach in the system of Timbs with the motivation being to allow different devices with different protocols to communicate with one another such as to cause switching actions.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Roach Jr. (5,845,211) as applied to claim 1 above, and further in view of Korpela (5,946,634).

Regarding claims 5-6, Timbs in view of Roach disclose all the claimed subject matter as described in previous paragraph except for the at least two functional layers such as cellular network related upper layer and ATM related lower layer and the ATM controller is adapted to be a GSM Protocol. However, these two layers and the use of GSM Protocol are well known in the art. Korpela discloses a mobile communication system including these two layers and the use of GSMP (see Figure 6; col. 1, lines 63-67; col. 4, lines 4-6 & 37-46; and col. 5, lines 39-47).

Art Unit: 2661

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the system to include the at least two functional layers as taught by Korpela in the system of Timbs in view of Roach with the motivation being to allow the use of different protocols within the system.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Roach Jr. (5,845,211) as applied to claim 1 above, and further in view of Takase et al (5,963,555).

Regarding claim 7, Timbs in view of Roach disclose all the claimed subject matter as described in previous paragraph except for adapting a General Switch Management Protocol (GSMP). However, using the GSMP is well known in the art. Takase discloses the use of GSMP (see col. 2, lines 15-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the GSMP as taught by Takase in the system of Timbs in view of Roach with the motivation being to select the best protocol that fit the system usage.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone numbers for the

Application/Control Number: 09/607,065

Page 5

Art Unit: 2661

organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

BN

April 29, 2003



Brian Nguyen